

## **REMARKS**

The Examiner's Office Action dated December 14, 2004, required the correction of informality in claims 2-13 and claims 2-13 have been correspondingly amended. Claims 1, 2, 5, 6, 8, and 11-13 have been amended to more particularly describe applicant's invention. You will find enclosed an amended version of the relevant claims. Claims 8 and 9 have been rewritten as independent new claim 14. Claim 14 also incorporates subject matter of original claim 1. Dependent new claims 15, 16, 17, and 18 correspond to claims 11, 12, and 13 respectively. Dependent new claims 19 corresponds to claims 2 and 5. Dependent claim 20 corresponds to claim 3. Consideration of these new and amended claims is respectively requested. No new matter has been added by virtue of these amendments.

### **Forster**

Based upon Forster (WO 94/21014), the Examiner rejected claims 1-3, and 8-13 under 35 U.S.C. section 102. Forster discloses an arrangement for use with transformers in neon a lighting system that utilizes an isolation circuit to disconnect power under fault conditions. Though Forster describes electrical connections between components, Forster does not describe a physical structure similar to that of the instant invention.

Applicant claims several structural elements absent in Forster. Subpart (a) of applicant's claim 1 discloses an alternating current power track. Forster merely discloses a source of alternating current, presumably a wire. (Figs. 1-4). Subpart (b) of applicant's claim 1 discloses track heads housing transformers

and removably attached and semipermanently electrically connected to the track of subpart (a). Forster does disclose a transformer in Fig. 1, but this transformer is not housed in a track head, nor is it attached to a track much less removably attached. Subpart (c) of applicant's claim 1 discloses a display member removably attached and semipermanently electrically connected to the track head. Forster does disclose a neon display that is merely electrically connected to a transformer. (Fig. 1). Assumedly, the electrical connections described in Forster are permanent. On the other hand, the application as amended claims components that are removably attached to each other and by way of attachment the components become electrically connected. Applicant's invention therefore has numerous advantages over prior art displays such as Forster in that the components of applicant's device can be easily removed, reattached, and rearranged. For these reasons, it is believed that Forster does not anticipate claim 1 as amended, and claim 1 is, therefore, in condition for allowance. Claims 2-13 are dependent claims and it is believed the amendment to claim 1 will result in allowance of claims 2-13 as well.

Another salient feature of applicant's invention is the capability of supporting a plurality of individual track heads and display members without the use of multiple electrical connections. (Claims 1-2). This is accomplished by virtue of the use of an alternating current power track. Because Forster does not disclose an alternating current track, additional transformers and display members would require additional electrical connections. Such an arrangement of multiple alternating current electrical connections is neither disclosed nor

conceived in Forster. For this reasons it is believed that Forster does not anticipate claim 1 or claim 2 as amended, and claim 1 and claim 2 are, therefore, in condition for allowance. Claims 3-13 are dependent claims and it is believed the amendment to claim 1 and claim 2 will result in allowance of claims 3-13 as well.

Further structures disclosed in the application are absent in Forster. First, the HT lead (7) of Forster merely provides an electrical connection and is not a rigid extension member as disclosed in amended claim 8. Second, the HT lead (7) of Forster may be movable in the sense that it is a wire, but such capacity for movement is not limited to the body portion as in applicant's claim 9. Third, although the HT lead (7) of Forster could be positioned to pivot the display member as described in applicant's claim 10, applicant sees no way the wire of Forster could possibly hold a ninety degree angle on its own under the weight of the display member and the transformer. For these reasons it is believed that Forster does not anticipate claims 8, 9, or 10, or make these claims obvious and these claims are, therefore, in condition for allowance.

The rejection of claims 11-13 based on Forester raises a dilemma in determining which limitations the Examiner considers anticipated. Claim 11 claims a fixed relationship between the track head and the extension member, but a removable attachment (i.e. not a fixed relationship) between the display member and the extension member. Claim 12 claims the opposite, a non-fixed relationship with the track head and a fixed relationship with the display member. Claim 13 claims a fixed relationship at both ends of the extension member. The

problem created by the rejection of all three of these claims based on Forster is such a rejection presupposes that Forster discloses both a fixed *and* a non-fixed relationship among the components. Forster, however, discloses only a *single* embodiment. Therefore, notwithstanding the lack of a rigid extension member in Forster, Forster cannot disclose both a fixed and a non-fixed relationship among its components, but rather only discloses one type of limitation or the other. Because the Examiner has not specified which of these limitations are anticipated by Forster, the Examiner has failed to make a *prima facie* case of anticipation of claims 11-13 based on Forster.

### **Chang**

Based upon Chang (U.S. 6,305,110), the Examiner rejected claims 1-13 under 35 U.S.C. section 102. Chang discloses a modular neon lighting display including modular boxes housing a power transformer and a neon tube. Prongs on the modular boxes of Chang plug into slots on the electrical rail of Chang. Chang, however, fails to disclose one very essential elements of claim 1 of the application. Applicant's claim 1(a) includes "an alternating current power track". Chang, however, discloses a DC power track. Claim 1 of Chang discloses a rail (22) with two electrical conductors and "means to provide CD power to each of the two electrical conductors". (Chang, Col. 7, ll. 38-39, 43-44). The detailed description of Chang elaborates that an AC adaptor (30) delivers low DC voltage to rail (22). (Chang, Col 4, ll. 28-33). Fig. 3 of Chang further shows that the AC adaptor (30) converts the incoming electrical power to DC current, the DC current powers signal wires (24,25), and the DC current in turn is delivered to rail (22) (presumably the

vertical line in Fig. 3 connecting the signal wires (24,25) to the modular units (16)). Therefore, because Chang does not disclose an AC power track, it is believed that Chang does not anticipate amended claim 1 and amended claim 1 is therefore in condition of allowance. Claims 2-13 are dependent upon amended claim 1 and it is believed that allowance of amended claim 1 will result in allowance of claims 2-13 as well.

Chang also fails to disclose an essential limitation of amended claim 1 of the instant invention, that being that the display member must be removably attached and semi-permanently electrically connected to the track head. As seen in Fig. 2 of Chang, each neon letter (17) and the box (16) are a unitary structure. The detailed description of Chang further describes that each neon letter is a discrete unit that connects to a discrete box to form “a modular unit”. (Chang, Col 3, ll. 60-62). The description is also clear that the neon letters (17) cannot be removed from box (16) because the ends of the neon letters (17a,17b) extend *into* box (16). (Chang, Col. 3, ll. 17-22). Therefore, because Chang does not disclose a removably attached and semipermanently electrically connected display member, it is believed that Chang does not anticipate amended claim 1 and amended claim 1 is therefore in condition of allowance. Claims 2-13 are dependent upon amended claim 1 and it is believed that allowance of amended claim 1 will result in allowance of claims 2-13 as well.

Chang further does not disclose the male/female corresponding electrical connector of applicant's claim 4. The male and female connectors between the display member and the track head are not shown by any of the figures of Chang

nor described in the specification. The male/female connectors referenced by the Examiner, prongs (18,19) and slots (20,21) are elements of the box (16) and rail (22) and not of the display member (17). (Chang, Col. 3, ll. 45-48). For this reason, it is believed that Chang does not anticipate claim 4 and claim 4 is therefore in condition of allowance. Claims 5-6 are dependent upon amended claim 4 and it is believed that allowance of amended claim 4 will result in allowance of claims 5-6 as well.

The Examiner has further identified several elements of applicant's invention as anticipated by neon tube (17) of Chang. The neon tube (17) of Chang is only a neon tube and serves no other function than to present a display when connected to box (16) while box (16) is in connection with the other elements disclosed in claim 1 of Chang. (Chang, Col. 3, ll. 10-17). Claim 6 claims a latch member, but no such latch member is found in Chang and Chang merely discloses that the neon tube (17) "will plug into the box 16". (Chang, Col. 3, ll. 40-43). Claim 8 claims an extension member disposed between the track head and the display. Chang discloses no such extension member and applicant notes that the ends (17a, and 17b) of the neon tube are inherent of the tube itself and not a separate element. (Chang, Col. 3, ll. 20-22). Claim 9 claims that the extension member has a flexible body portion, but a neon tube (17) as disclosed by Chang is inherently *inflexible*. Chang itself states that the neon tubes may be "bent as needed *upon manufacture*". (Chang, Col. 3, ll. 44-45). Chang thus indicates the common knowledge of those skilled in the art; post-manufacture neon tubes cannot be bent. Because Chang lacks an extension member, much

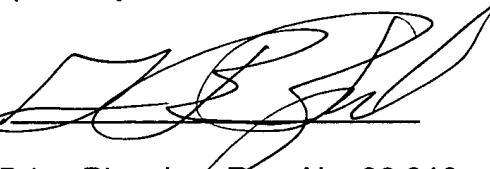
less a flexible one, Chang does not disclose an extension member that can be pivoted 90 degrees as disclosed by claim 10 of the instant application. For these reasons it is believed that Chang does not anticipate claims 6 and 8-10 and these claims are, therefore, in condition for allowance. Claims 11-13 are dependent claims and it is believed that allowance of claim 10 will result in allowance of claims 11-13 as well.

The rejection of claims 11-13 based on Chang raises a dilemma in determining which limitations the Examiner considers anticipated. Claim 11 claims a fixed relationship between the track head and the extension member, but a removable attachment (i.e. not a fixed relationship) between the display member and the extension member. Claim 12 claims the opposite, a non-fixed relationship with the track head and a fixed relationship with the display member. Claim 13 claims a fixed relationship at both ends of the extension member. The problem created by the rejection of all three of these claims based on Chang is such a rejection presupposes that Chang discloses both a fixed *and* a non-fixed relationship among the components. Chang, however, discloses only a *single* embodiment. Therefore, notwithstanding the lack of an extension member in Chang, Chang cannot disclose both a fixed and a non-fixed relationship among its components, but rather only discloses one type of limitation or the other. Because the Examiner has not specified which of these limitations are anticipated by Chang, the Examiner has failed to make a *prima facie* case of anticipation of claims 11-13 based on Chang.

Applicant respectfully requests that a timely Notice of Allowance be issued  
in this case.

Respectfully submitted,

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